

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

SHONTAY HUMPHRIES

Plaintiff,

v.

Case No.

Milw. County Case No. 09-CV-020390

MILWAUKEE COUNTY,
MILWAUKEE COUNTY DEPT. OF
HEALTH AND HUMAN SERVICES,
JUAN MUNIZ, PANG XIONG,
UNKNOWN NAMED DEFENDANT 1, and
FELICE RILEY,

Defendants.

DEFENDANTS NOTICE OF REMOVAL

Defendants, Milwaukee County, Milwaukee County Department of Health and Human Services, Juan Muniz, Pang Xiong, and Felice Riley, by and through their attorneys of record, Leib & Katt, LLC, and pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446, allege and show the Court as follows:

1. On or about January 6, 2010, less than thirty days before the filing of this petition, the Plaintiff served Defendant Milwaukee County with a Summons and Complaint that had been filed in *Shontay Humphries, et al. v. Milwaukee County, et al.*, such case which is filed as Case No. 09-CV-20390 on the docket of the Circuit Court of Milwaukee County, State of Wisconsin. A copy of the Summons and Complaint is attached hereto and incorporated herein by reference as Exhibit A. No other process, pleadings, orders and/or other papers concerning this action were received by the Defendants before that time.
2. The above action is a civil action for which the Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by the Defendants by virtue of

provisions of 28 U.S.C. § 1441(b) in that it is a civil action arising under the Constitution, laws, or treaties of the United States.

3. All defendants consent to removal to this Court.
4. Because service of process on the Defendants was less than thirty days before the filing of this Petition, removal is timely pursuant to 28 U.S.C. § 1446(b).
5. In accordance with 28 U.S.C. § 1446(d), the Defendants will promptly file a copy of this Notice with the Clerk of Circuit Court in Milwaukee County, Wisconsin, and will give notice thereof to the Plaintiff. A copy of this Notice is attached as Exhibit B.

WHEREFORE, Defendants Milwaukee County, Milwaukee County Department of Health and Human Services, Juan Muniz, Pang Xiong, and Felice Riley respectfully request that the above-entitled action, now pending in the Circuit Court of Milwaukee County, Wisconsin, be removed to this Court.

Dated this 4th day of February, 2010.

LEIB & KATT, LLC

s/ Krista K. Buchholz

Douglas S. Knott, State Bar No.: 1001600
Krista K. Buchholz, State Bar No.: 1050272
Attorneys for Defendants Milwaukee County,
Milwaukee Cnty Dept of Health & Human Services,
Juan Muniz, Pang Xiong and Felice Riley
River Bank Plaza, Suite 600
740 N. Plankinton Avenue
Milwaukee, WI 53203
Telephone: (414) 276-8816
Fax: (414) 276-8819
E-mail: dsk@leibkatt.com
E-mail: kkb@leibkatt.com